

ALLMTN,TERMED

**U.S. District Court
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:12-cv-00169-WJM-MJW**

Kahn v. USA
Assigned to: Judge William J. Martinez
Referred to: Magistrate Judge Michael J. Watanabe
Cause: 05:552 Freedom of Information Act

Date Filed: 01/23/2012
Date Terminated: 12/28/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Roy Albert Kahn**

represented by **Roy Albert Kahn**
#69869-004
901 N.E. 14 Avenue
Unit 406
Hallandale, FL 33009
PRO SE

V.

Defendant**USA**

represented by **William George Pharo**
U.S. Attorney's Office-Denver
1225 17th Street East
#700
Denver, CO 80202
303-454-0100
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ATTORNEY TO BE NOTICED

Interested Party

Case Manager for Roy Albert Kahn
TERMINATED: 09/11/2012

represented by **Case Manager for Roy Albert Kahn**
FLORENCE HIGH
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Inmate Mail/Parcels
P.O. BOX 7000
FLORENCE, CO 81226
PRO SE

Date Filed	#	Docket Text
01/23/2012	<u>1</u>	Prisoner COMPLAINT against USA, filed by Roy Albert Kahn.(lyg,) (Entered: 01/24/2012)
01/23/2012	<u>2</u>	MOTION and Affidavit for Leave to Proceed Under 28 U.S.C. 1915, by Plaintiff Roy Albert Kahn. (lyg,) (Entered: 01/24/2012)
02/06/2012	<u>3</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in Forma Pauperis, by Magistrate Judge Boyd N. Boland on 2/6/12.(lsw,) (Entered: 02/06/2012)
02/17/2012	<u>4</u>	PAYMENT RECEIVED from Roy Albert Kahn in the amount of \$ 11.00; Receipt Number 45761; Initial Payment. (lsw,) (Entered: 02/21/2012)
02/24/2012	<u>5</u>	ORDER ASSIGNING CASE. This case shall be assigned to District Judge William J. Martinez, pursuant to D.C.COLO.LCivR 40.1C.1., and to Magistrate Judge Michael J. Watanabe. By Magistrate Judge Boyd N. Boland on 2/24/2012. (sah,) (Entered: 02/24/2012)

02/24/2012	<u>6</u>	CASE REASSIGNED pursuant to <u>5</u> Order. This case is reassigned to Judge William J. Martinez. All future pleadings should be designated as 12-cv-00169-WJM-MJW. Text Only Entry (sah,) (Entered: 02/24/2012)
02/27/2012	<u>7</u>	CERTIFICATE of Service by Clerk of Court re <u>1</u> Complaint for Service of Process. (Attachments: # <u>1</u> US Postal Service Certified Mail Receipt) (agarc,) (Entered: 02/27/2012)
03/09/2012	<u>8</u>	Certified Mail Return Receipt upon United States Attorney General (no date specified). (lygsl,) Modified on 3/12/2012 to alter text (lygsl,). (Entered: 03/12/2012)
03/12/2012	<u>9</u>	Acceptance (AFFIDAVIT/RETURN) of Service upon United States Attorney's Office for the District of Colorado on 2/27/12 (lswsl,) (Entered: 03/12/2012)
03/26/2012	<u>10</u>	MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint by Defendant USA. (Attachments: # <u>1</u> Exhibit A)(Pharo, William) (Entered: 03/26/2012)
03/26/2012	<u>11</u>	ORDER REFERRING CASE to Magistrate Judge Michael J. Watanabe. Magistrate Judge Watanabe is designated to conduct ALLMTN proceedings pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed.R.Civ.P. 72(a) and (b). ALSO ORDERED that unless service has otherwise been completed or arranged, Plaintiff is directed to effect service of the summons and complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure no later than 30 days from the date of this Referral Order, in order for the initial scheduling conference to be held promptly. Court sponsored alternative dispute resolution is governed by D.C.COLO.LCivR 16.6. On the recommendation or informal request of the Magistrate Judge or on the request of the parties by motion, the court may direct the parties to engage in an early neutral evaluation, a settlement conference, or another alternative dispute resolution proceeding. SO ORDERED by Judge William J. Martinez on 03/26/2012. Text Only Entry (wjmsc,) (Entered: 03/26/2012)
03/26/2012	<u>12</u>	MEMORANDUM regarding <u>10</u> MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint filed by USA. Motion referred to Magistrate Judge Michael J. Watanabe by Judge William J. Martinez on 03/26/2012. Text Only Entry (wjmsc,) (Entered: 03/26/2012)
03/27/2012	<u>13</u>	PAYMENT RECEIVED from Roy Albert Kahn in the amount of \$ 5.00; Receipt Number COX046555; Monthly Payment. (ervsl,) (Entered: 03/28/2012)
03/29/2012	<u>14</u>	ORDER Status Conference set for 5/3/2012 01:30 PM in Courtroom A 502 before Magistrate Judge Michael J. Watanabe. by Magistrate Judge Michael J. Watanabe on 3/29/2012. (ervsl,) (Entered: 03/29/2012)
03/29/2012	<u>15</u>	MINUTE ORDER Granting <u>10</u> Motion for Extension of Time to Answer or Otherwise Respond re <u>1</u> Complaint USA answer due 4/27/2012, by Magistrate Judge Michael J. Watanabe on 3/29/2012.(ervsl,) (Entered: 03/29/2012)
04/02/2012	<u>16</u>	RESPONSE to <u>10</u> MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint filed by Plaintiff Roy Albert Kahn. (ervsl,) (Entered: 04/02/2012)
04/16/2012	<u>17</u>	MOTION for Extension of Time to for Monthly Payment Fee by Plaintiff Roy Albert Kahn. (ervsl,) (Entered: 04/16/2012)
04/16/2012	<u>18</u>	MEMORANDUM regarding <u>17</u> MOTION for Extension of Time to filed by Roy Albert Kahn. Motion referred to Magistrate Judge Michael J. Watanabe by Judge William J. Martinez on 04/16/2012. Text Only Entry (wjmsc,) (Entered: 04/16/2012)
04/19/2012	<u>19</u>	MINUTE ORDER It is hereby ORDERED that the Motion for Extension of Time for Monthly Payment Fee, DN <u>17</u> , filed with the Court on April 16, 2012, is GRANTED up to and including May 16, 2012, by Magistrate Judge Michael J. Watanabe on 4/19/2012.(ervsl,) (Entered: 04/19/2012)

04/20/2012	<u>26</u>	PAYMENT RECEIVED from Roy Albert Kahn in the amount of \$ 5.00; Receipt Number COX047130; Monthly Payment. (sahsl,) (Entered: 06/27/2012)
04/24/2012	<u>20</u>	ANSWER to <u>1</u> Complaint by USA.(Pharo, William) (Entered: 04/24/2012)
05/03/2012	<u>21</u>	MINUTE ENTRY for Status Conference held before Magistrate Judge Michael J. Watanabe on 5/3/2012; A further Status Conference is set for 6/11/2012 09:30 AM in Courtroom A 502 before Magistrate Judge Michael J. Watanabe. (Court Reporter: FTR – Monique Wiles) (klmcd,) (Entered: 05/03/2012)
05/18/2012	<u>22</u>	PAYMENT RECEIVED from Roy Albert Kahn in the amount of \$ 5.00; Receipt Number COX047743; Monthly Payment. (ervsl,) (Entered: 05/18/2012)
06/11/2012	<u>23</u>	COURTROOM MINUTES/MINUTE ORDER for proceedings held before Magistrate Judge Michael J. Watanabe: Telephonic Status Conference held on 6/11/2012. Status Conference set for 7/17/2012 02:00 PM in Courtroom A 502 before Magistrate Judge Michael J. Watanabe. (Court Reporter: FTR – Ellen E. Miller) (mjwcd) (Entered: 06/11/2012)
06/11/2012	<u>24</u>	MOTION for Credit of Five Dollar Monthly Payment Towards Filing Fee, by Plaintiff Roy Albert Kahn. (gmssl,) (Entered: 06/12/2012)
06/12/2012	25	MEMORANDUM regarding <u>24</u> MOTION for Order to filed by Roy Albert Kahn. Motion referred to Magistrate Judge Michael J. Watanabe by Judge William J. Martinez on 06/12/2012. Text Only Entry (wjmsc,) (Entered: 06/12/2012)
06/27/2012	<u>27</u>	MINUTE ORDER. The petitioners Motion for Credit of Five Dollar Monthly Payment Towards Filing Fee <u>24</u> is denied as moot. By Magistrate Judge Michael J. Watanabe on 6/27/2012.(sahsl,) (Entered: 06/27/2012)
07/09/2012	<u>28</u>	MOTION to Compel Defendant to Resend FOIA Documents by Certified/Return Receipt, and to Compel Warden Charles Daniels From Opening FOIA Legal Parcel Outside of Mr. Kahn's Presence, by Plaintiff Roy Albert Kahn. (wjmd,) (Entered: 07/10/2012)
07/10/2012	29	MEMORANDUM regarding <u>28</u> MOTION to Compel filed by Roy Albert Kahn. Motion referred to Magistrate Judge Michael J. Watanabe by Judge William J. Martinez on 07/10/2012. Text Only Entry (wjmsc,) (Entered: 07/10/2012)
07/17/2012	<u>30</u>	COURTROOM MINUTES/MINUTE ORDER for proceedings held before Magistrate Judge Michael J. Watanabe: Status Conference held on 7/17/2012. Deadline 8/17/2012 for Defendant to respond to <u>28</u> Plaintiff's Motion to Compel Defendant to Re-send FOIA Documents by Certified/Return Receipt, and to Compel Warden Charles Daniels from Opening FOIA Legal Parcel Outside of Mr. Kahn's Presence. VACATED [Deadline 8/17/2012 for Defendant to submit documents for in camera review] pursuant to the <u>40</u> , Minute Order. Status Conference set for 9/18/2012 01:30 PM in Courtroom A 502 before Magistrate Judge Michael J. Watanabe. Court Reporter: FTR – Cathy Coomes. (mjwcd) (Modified on 9/4/2012 Edited part of this Minute to show part of the Minute Order as Vacated)(ervsl,). (Entered: 07/23/2012)
07/25/2012	<u>34</u>	PAYMENT RECEIVED from Roy Albert Kahn in the amount of \$ 5.00; Receipt Number COX049182; Monthly Payment. (ervsl,) (Entered: 07/27/2012)
07/26/2012	<u>31</u>	Partial MOTION for Reconsideration re <u>30</u> Status Conference,,, Set/Reset Hearings,, by Defendant USA. (Attachments: # <u>1</u> Exhibit A)(Pharo, William) (Entered: 07/26/2012)
07/27/2012	32	MEMORANDUM regarding <u>31</u> Partial MOTION for Reconsideration re <u>30</u> Status Conference,,, Set/Reset Hearings,, filed by USA. Motion referred to Magistrate Judge Michael J. Watanabe by Judge William J. Martinez on 07/27/2012. Text Only Entry (wjmsc,) (Entered: 07/27/2012)
07/27/2012	<u>33</u>	MINUTE ORDER Pro Se Incarcerated Plaintiff shall have up to and including 8/15/2012 to file any response to <u>31</u> Defendant USA's Partial MOTION for Reconsideration, by Magistrate Judge Michael J. Watanabe on 7/27/2012. (mjwcd) (Entered: 07/27/2012)

07/31/2012	<u>35</u>	MOTION for Extension of Time to <i>file an Objection to Magistrate Judge's Order</i> by Defendant USA. (Pharo, William) (Entered: 07/31/2012)
07/31/2012	<u>36</u>	MEMORANDUM regarding <u>35</u> MOTION for Extension of Time to <i>file an Objection to Magistrate Judge's Order</i> filed by USA. Motion referred to Magistrate Judge Michael J. Watanabe by Judge William J. Martinez on 07/31/2012. Text Only Entry (wjmsc,) (Entered: 07/31/2012)
08/01/2012	<u>37</u>	MINUTE ORDER granting <u>35</u> defendant's Motion for Extension of Time, by Magistrate Judge Michael J. Watanabe on 8/1/2012.(mjwcd) (Entered: 08/01/2012)
08/15/2012	<u>38</u>	RESPONSE to <u>31</u> Partial MOTION for Reconsideration re <u>30</u> Status Conference, Set/Reset Hearings, filed by Plaintiff Roy Albert Kahn. (ervsl,) (Entered: 08/15/2012)
08/17/2012	<u>39</u>	RESPONSE to <u>28</u> MOTION to Compel filed by Defendant USA. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Pharo, William) (Entered: 08/17/2012)
09/04/2012	<u>40</u>	MINUTE ORDER Denying as Moot <u>28</u> Plaintiffs Motion to Compel Defendant to Resend FOIA documents by Certified Return Receipt and to Compel Warden Charles Daniels from Opening FOIA Legal Parcel Outside of Mr. Kahns Presence; granting <u>31</u> Defendants Partial Motion for Reconsideration re <u>30</u> the portion of Magistrate Judge Watanabes Order of July 17, 2012 Docket No. <u>30</u> , requiring Defendant to file the 68 pages of redacted documents for, in camera, review is VACATED, by Magistrate Judge Michael J. Watanabe on 9/4/2012.(ervsl,) (Entered: 09/04/2012)
09/10/2012	<u>41</u>	NOTICE of Change of Address/Contact Information by Plaintiff Roy Albert Kahn (alvsl,) (Entered: 09/10/2012)
09/10/2012	<u>42</u>	MOTION for Leave to Appear Telephonically at Status Conference by Plaintiff Roy Albert Kahn. (alvsl,) (Entered: 09/10/2012)
09/10/2012	<u>43</u>	MEMORANDUM regarding <u>42</u> MOTION for Leave to Appear filed by Roy Albert Kahn. Motion referred to Magistrate Judge Michael J. Watanabe by Judge William J. Martinez on 09/07/2012. Text Only Entry (wjmsc,) (Entered: 09/10/2012)
09/11/2012	<u>44</u>	MINUTE ORDER denying <u>42</u> Pro Se Plaintiff's Motion for Leave to Appear Telephonically, by Magistrate Judge Michael J. Watanabe on 9/11/2012.(mjwcd) (Entered: 09/11/2012)
09/11/2012	<u>45</u>	MINUTE ORDER The Pro Se Plaintiff is no longer incarcerated in the Bureau of Prisons, according to averment one in the plaintiffs motion Docket No. <u>42</u> . Instead, the Pro Se Plaintiff is currently on supervised release re: <u>42</u> MOTION for Leave to Appear filed by Roy Albert Kahn. It is hereby ORDERED that the mailing information for the Case Manager at Florence High U.S. Penitentiary shall be deleted from the court electronic records system CM/ECF. The Clerk of the Court is directed to remove this name and address as further mailings need not be sent to this facility. by Magistrate Judge Michael J. Watanabe on 9/11/2012. (ervsl,) (Entered: 09/11/2012)
09/18/2012	<u>46</u>	COURTROOM MINUTES/MINUTE ORDER for proceedings held before Magistrate Judge Michael J. Watanabe: Status Conference held on 9/18/2012. Pro Se Plaintiff failed to appear. Show Cause Hearing set for 10/18/2012 11:00 AM in Courtroom A 502 before Magistrate Judge Michael J. Watanabe. Court Reporter: FTR – Ellen E. Miller. (mjwcd) (Entered: 09/18/2012)
09/18/2012	<u>47</u>	ORDER TO SHOW CAUSE: Returnable by Plaintiff. Show Cause Hearing set for 10/18/2012 11:00 AM in Courtroom A 502 before Magistrate Judge Michael J. Watanabe, by Magistrate Judge Michael J. Watanabe on 9/18/2012. (mjwcd) (Entered: 09/18/2012)
10/18/2012	<u>48</u>	COURTROOM MINUTES/MINUTE ORDER for proceedings held before Magistrate Judge Michael J. Watanabe: Show Cause Hearing held on 10/18/2012. Plaintiff failed to appear. Order to Show Cause <u>47</u> is made absolute. Court will issue recommendation that this case be dismissed. Court Reporter: FTR – Ellen E. Miller. (mjwcd) (Entered: 10/18/2012)

10/18/2012	<u>49</u>	RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE Recommending <u>1</u> Complaint filed by Roy Albert Kahn be dismissed pursuant to Fed. R. Civ. P. 41(b) and Local Rule 41.1 for failure to prosecute. By Magistrate Judge Michael J. Watanabe on 10/18/2012. (mjwcd) (Entered: 10/18/2012)
11/20/2012	<u>50</u>	ORDER The Magistrate Judges Recommendation ECF No. <u>49</u> is ADOPTED in its entirety; This action is hereby DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute; and The Clerk shall close the case. By Judge William J. Martinez on 11/20/2012.(ervsl,) (Entered: 11/20/2012)
12/28/2012	<u>51</u>	FINAL JUDGMENT in favor of USA against Roy Albert Kahn re: <u>50</u> Order on Report and Recommendations. It is FURTHER ORDERED that this action is hereby DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. It is FURTHER ORDERED that the Clerk shall close the case by Edward P. Butler, Deputy Clerk on 12/28/2012. (ervsl,) (Entered: 12/28/2012)